

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- January 17, 1968

Appeal No. 9471      Mary Murphy and Ethel M. Goolsby, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on January 24, 1968.

ORDERED:

That the appeal for permission to establish a philanthropic or eleemosynary institution at 5632 MacArthur Blvd., NW., lot 838, square 1451, be denied.

FINDINGS OF FACT:

- [1] The subject property is located in an R-1-B District.
- [2] The site is improved with a two-story and basement detached frame dwelling containing approximately ten rooms.
- [3] It is proposed to utilize the building as the administrative offices of the Barker Foundation, a licensed adoption agency.
- [4] The first floor will be used as office space and the second floor will serve as living quarters for a custodian and his family.
- [5] The staff of the organization will consist of three full time employees and three part time employees with office hours from 9:00 a.m. to 5:00 p.m.
- [6] The Barker Foundation is a non-profit cooperative adoption agency incorporated under the laws of the District of Columbia in 1951. The organization presently has offices in a building at the corner of Cathedral Avenue and MacArthur Blvd. The area is in a C-1 zone.

[7] By letter dated January 17, 1968 (BZA Exhibit No. 14) Mr. Thomas J. Owen of Thos. J. Owen and Son, Inc., real estate auctioneers, appraisers and consultants, state that in his opinion "occupancy of 5632 MacArthur Blvd, Northwest, by the Barker Foundation would not adversely affect the character of or property values in the neighborhood as long as the right of occupancy did not carry with it the right to drastically change the existing exterior of the structure or the right to demolish the existing structure to allow the construction of a more commercial building."

[8] By letter dated January 17, 1968 (BZA Exhibit No. 15) Mr. Frank M. Doyle, realtor, states that he concludes that "Property values in the area would undoubtedly be adversely affected and the neighborhood less desirable as a single family community."

[9] There was opposition to the granting of this appeal registered at the public hearing by residents of the neighborhood. The record contains petitions signed by 125 residents who oppose this appeal.

[10] By letter dated May 15, 1968 (BZA Exhibit No. 22) the National Capital Planning Commission recommended that the Board approve this appeal. The Commission's Zoning Committee report states:

"The Committee understands that the Barker Foundation, a non-profit cooperative adoption agency wishes to use this building as its permanent administrative offices and that the only occupancy of this building for other than administrative offices use will be as a residence for a custodian and his family. Children under the Foundation will not be housed at this location and will be present on these premises only for such time as it takes to transfer the child to its new parents. The Foundation would employ one full time secretary on the premises, and one off-street parking space would be provided. Several full and part time case workers and a part-time supervisor are also employed by the Foundation and from time-to-time would use the building.

"The Committee is of the opinion that the proposed use will not be detrimental to the neighborhood and therefore recommends that the Commission recommend to the Board of Zoning Adjustment approval of the application."

[11] The Palisades Citizens Association opposes the granting of this appeal.

OPINION:

We are of ~~the~~ opinion that this appeal must be denied.

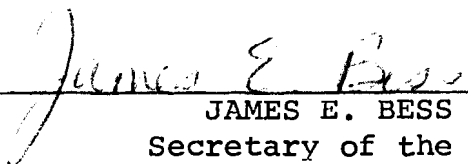
No matter what the merits of the particular organization which makes this appeal, the use of the property is of primary concern to us. The proposed use of this property is nothing more than an office use. We can find no distinction this type of office use and other office uses that must be located in a commercial zoning district. We cannot reconcile an office use with the strictly residential character of this neighborhood. The property is improved with a dwelling that is suitable for single-family living. This is what the zoning demands and we feel that the structure should be so used.

Further, we believe that the use of this property as an office would have an adverse affect upon the neighborhood and would not be in harmony with the purpose and intent of the Zoning Regulations and Map.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:

  
JAMES E. BESS  
Secretary of the Board